

OPINION
55-33

December 9, 1955 (OPINION)

COUNTIES

RE: Bond Issues - Board of Budget Review

This office acknowledges receipt of your letter of December 7, 1955, discussing the question of the necessity to submit to the board of budget review the question of voting upon bonds with which to enlarge or improve your county court house. You seem to be of the opinion that a board of budget review is necessary for the county. It is true that the law does not exclude any county. However, you will notice that section 40-4101 outlining who shall be members of the board of budget review does not lend itself to the setup existing in the county. It would be an impossibility for a county to have a board of budget review composed of the persons provided in this section.

It is therefore our opinion that a county does not have a board of budget review as such. Turning to section 21-0307 which provides for the requirement of a bond election, I want to direct your attention to the last paragraph where it says: "No municipality having a board of budget review . . ." It does not say that every municipality shall submit it to the board of budget review. It is our opinion that a county does not have a board of budget review and therefore the issue cannot be submitted to such board. It is only those municipalities having a board of budget review which must first submit it to the board of budget review, and the fact that the county does not lend itself to the establishment of a board of budget review will naturally exclude it from the operation of this law.

LESLIE R. BURGUM

Attorney General